

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

_____ X

MANUEL ACOSTA

Plaintiff,

-against-

TRANSFER ORDER

13-CV-6220 (KAM)

P.O. OFFICER A. McKOY; S.P.O. OFFICER
R. KNIGHT,

Defendants.

_____ X

MATSUMOTO, United States District Judge:

On October 31, 2013, plaintiff, currently incarcerated at Vernon C. Bain Center (“VCBC”), a New York City Department of Correction facility located in Bronx County, New York, filed this *pro se* complaint pursuant to 42 U.S.C. § 1983 alleging the violation of his constitutional rights. Specifically, plaintiff alleges that he should not be placed into a drug treatment program, but should be placed into a facility that can properly address his mental health issues. He names as defendants two parole officers whose address is in Bronx County, New York. The complaint is transferred to the United States District Court for the Southern District of New York for the following reason.

Under 28 U.S.C. § 1331(b), a civil action may be brought in (1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with

respect to such action.

Since the defendants are located in Bronx County and all of the events giving rise to the claims against all of the defendants occurred in Bronx County, the action should be and hereby is transferred to the United States District Court for the Southern District of New York. 28 U.S.C. §§ 112, 1406(a). The Clerk of Court is directed to transfer this action to the United States District Court for Southern District of New York. A ruling on plaintiff's application to proceed *in forma pauperis* under 28 U.S.C. § 1915 is reserved for the transferee Court. That provision of Rule 83.1 of the Local Rules for the Eastern District of New York which requires a seven-day delay in the transfer of relevant case materials is waived. The Clerk of Court is directed to mark this case closed.

SO ORDERED.

Dated: Brooklyn, New York
November 21, 2013

/s/
Kiyo A. Matsumoto
United States District Judge